IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL TRANSFER APPL. No. 26 of 2007

SMT.KANTA @ MALA
V/S
DILEEP KUMAR

Mr. NR GOSWAMI, for the appellant / petitioner

Mr. MRIGRAJ SINGH RATHORE, for the respondent

Date of Order : 4.7.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the parties, perused the application for transfer.

The only ground given is that the marriage was solemnised at Jodhpur, but presently the petitioner is living with her widowed mother at Ajmer, and therefore, the Family Court, Ajmer is competent to hear the case, and that the application under Section 13 has been filed by the respondent only for harassment of the applicant, and that she has no income of her own. In my view, when the petitioner has already filed application under Section 24 of the Hindu Marriage Act before the learned trial Court at Jodhpur, that will adequately take care of the financial problem of the petitioner. Then other grounds given hardly constitute any sufficient cause for transferring the divorce petition from Jodhpur to Ajmer. The transfer application is, therefore, dismissed.

It is informed that the Section 24 Hindu Marriage Act application is fixed in the trial Court at Jodhpur on 1.8.2007. The learned trial Court is directed to decide that application preferably on 1st of August itself as the learned counsel for the respondent submits that he would file reply thereto much before that date, and the learned trial Court is also directed to expeditiously decide the main divorce petition as well.

(N P GUPTA),J.

/tarun/